

ULTIMATE RESPONSIBILITY

Introduction

Imagine what would happen inside an airplane if the pilots were suddenly incapacitated midflight. Would pandemonium erupt or would calm prevail? Would everyone know what to do without someone to take charge? Rational minds would say that someone must be in charge or else chaos will follow.



Who is Responsible?

The Child and Adult Care Food Program is a federal program administered by the U.S. Department of Agriculture (USDA) through grants to States. Federal programs require a different level of responsibility because when federal tax dollars are being utilized the public demands assurances that their dollars are being used responsibly and appropriately. Consequently, the USDA has strict requirements for all institutions participating in the CACFP. One of those requirements is that upon application to the program a management plan must be submitted that includes detailed information about the institution's management and administrative structure and the names of the individuals who fill those positions. See the following references:

- [\[7 CFR 226.6\(b\)\(1\)\(iv\)\]](#)
Management plan. Organizations must submit a complete management plan that includes:
 - (A) Detailed information on the organization's management and administrative structure;
 - (B) A list or description of the staff assigned to Program monitoring, in accordance with the requirements set forth at §226.16(b)(1);
 - (C) An administrative budget that includes projected CACFP administrative earnings and expenses;
 - (D) The procedures to be used by the organization to administer the Program

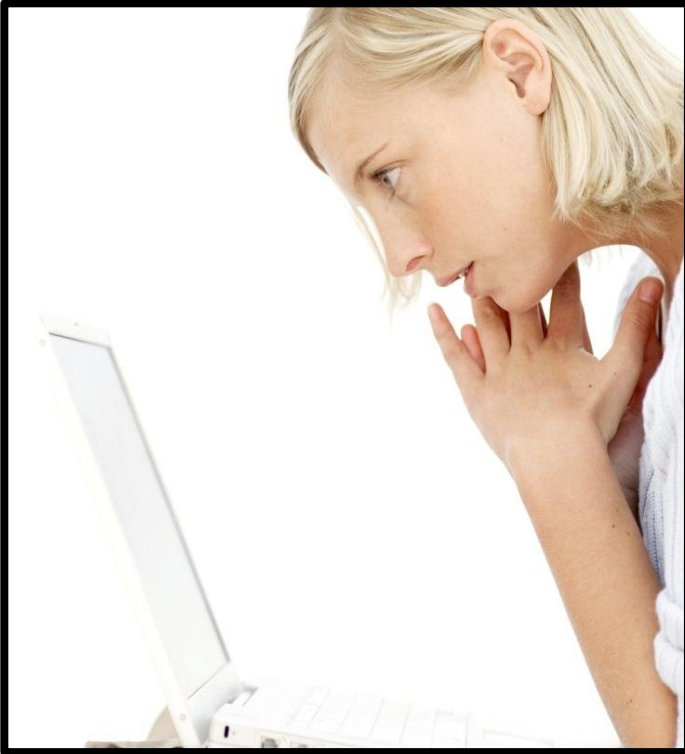
- [Independent Child Care Centers, A Child and Adult Care Food Program Handbook](#) Page 15, Performance Standard 3 Nonprofit centers must have adequate oversight by the governing board of directors. In for-profit centers, the owner is held responsible for overseeing the use of CACFP funds.
- [Guidance for Management Plans and Budgets, A Child and Adult Care Food Program Handbook](#) Page 8, New Institutions/Sponsoring Organizations
 - Detailed information must be obtained on the organization's management and administrative structure, identifying owners, principals, and individuals responsible for specific CACFP, administrative, food service, and care-giving duties.
 - The Board of Directors is responsible for setting policy, fiscal guidance, and ongoing governance. It regularly reviews the organization's policies, Programs, budgets and operations. Decisions are documented in board minutes which are maintained and available for review.

In the Montana CACFP, this information is provided through the [application](#) on the page titled "Responsible Individuals." On this page, information is requested for the following individuals:

1. Institution Director
2. Individual Signing Contract
3. Owner
4. Board President/Chair

Not all institutions will have all of these positions and in some cases, the director, the individual signing the contract and the owner will all be the same individual.

Some institutions might be large enough that they will have someone besides the director performing CACFP duties. The CACFP coordinator might be responsible for gathering numbers such as meal counts, submitting the claim and ensuring that Income Eligibility Forms are completed correctly. Some institutions might be large enough that they also have someone besides the director and other caregivers who perform the duties of cook or food service staff. These individuals would be responsible for creating menus, completing food production records and ensuring that only creditable food is served. Though other staff members might be performing certain duties and responsibilities that are CACFP related, the individuals listed on the Responsible Individuals page are the ones who are ultimately responsible for the success of the CACFP.



Why is the Director Ultimately Responsible?

Why is the director ultimately responsible for the operation of the CACFP especially if they aren't the ones performing CACFP duties? As with any business, centers will always have turnover. Do not allow yourself to be incapacitated because a staff member leaves their employment and you have no idea how to do the CACFP paperwork. As director, it is your responsibility to know and understand what needs to be done in order to operate the CACFP correctly. In addition, even though your center may be large enough to have multiple individuals operating the CACFP and performing the required

functions, it is still the director's responsibility to oversee the CACFP and know how it works. Why?

- According to the State of Montana Licensing Requirements for Child Day Care Centers, director means the person designated on the center application or otherwise by written notice to the department (Department of Public Health and Human Services or DPHHS) as the person responsible for the daily operation of a day care center. ([State of Montana Licensing Requirements for Child Day Care Centers 37.95.102 DEFINITIONS](#))
- According to [\[7 CFR 226.2\]](#) Responsible principal or responsible individual means:
(a) A principal, whether compensated or uncompensated, who the State agency or FNS (Food and Nutrition Service) determines to be responsible for an institution's serious deficiency;
(b) An uncompensated individual who the State agency or FNS determines to be responsible for an institution's serious deficiency.
- The owner/director is ultimately responsible for all numbers submitted with the monthly claim. Though the owner/director may or may not sign or submit the actual claim, if an incorrect claim is submitted it is the owner/director who will pay financially, not the CACFP coordinator or the food service staff. You may want to read the certification you are agreeing to on the [claim form](#) if you haven't looked at it recently.

- In the event the center is placed in serious deficiency status, the owner/director and any other responsible parties are always declared seriously deficient whether they had any direct involvement in the CACFP or not. The food service staff and the CACFP coordinator may or may not be declared seriously deficient as well depending upon the situation. (See [7 CFR 226.6\(\(c\)\(3\)\(iii\)\)](#))
- In the event that the center is involuntarily terminated and placed on the National Disqualified List (NDL) the owner/director's name is placed on the list as well. The owner/director, any other responsible individuals and the center are then prohibited from participating in the CACFP for seven (7) years. Depending upon the situation, other individuals such as food service staff and the CACFP coordinator may or may not be placed on the list. (See [7 CFR 226.6\(\(c\)\(3\)\(iii\)\)](#))

What is the Director Ultimately Responsible For?

In your institution the director has a long list of responsibilities. Many directors have decided to delegate some of these responsibilities out to other staff members and we highly encourage this practice. It makes good business sense to not try to do everything yourself.

However, as the person in charge, it also makes good business sense to know what everyone else does and how they do it because the owner/director is the one who signs the [contract to operate the CACFP](#) and agrees to all the terms and conditions. A CACFP coordinator or cook would never be the one to sign the

contract because they are not responsible for the operation of the CACFP at your center. It is a good idea to know what the contract says and to review it from time to time as this document states what you agreed to do and what you are responsible for. Make sure you know where your contract is and that you can show a reviewer that you have it. The State agency has a copy of your contract if needed.



In the CACFP, the director is ultimately responsible for:

- Accuracy of the claim
- Accurate completion of Income Eligibility Forms
- Annual training of institution staff
- Attending all required training
- Completion of Food Production Records
- Creation of menus and whether they meet creditable food guidelines
- Ensuring that enough milk is purchased each month
- Filing of food and milk receipts
- Keeping accurate meal counts (Meal Participation Records)
- Maintaining all records for three years plus the current year
- Operation of a non-profit food service
- Retaining complete attendance records (Monthly Attendance Records and sign in and sign out sheets)

This list is not meant to be all inclusive, but it can provide a summary of some of the various things that directors are responsible for knowing. As stated previously, directors do not need to be the person performing all of these duties, but they should know how to do them, should verify that these things are being done by the various staff members and that they are being done correctly.

Conclusion

In conclusion, these responsibilities may seem overwhelming, but we are always here to help and we encourage you to contact us with any questions you might have. We are continually developing resources to help you gain a greater understanding of what your responsibilities are as a director. Resources include the Director's Training held each year to educate and assist you as you perform your CACFP responsibilities. Though it is designed for those who are ultimately responsible, it may contain topics that could be of use to other staff members. The CACFP website is another resource that contains lots of helpful information and documents to help you manage the CACFP in your center.

Quiz:

1. When applying to participate in the CACFP, institutions must provide the following information in their application:
 - a. Name, Social Security number and driver's license number for all employees.

- b. Name, date of birth and address for the institution director.
 - c. Name, date of birth and address for the institution director, individual signing contract, owner and board president/chair.
 - d. None of the above
- 2. If a center is large enough to have individuals besides the owner/director performing CACFP functions then:
 - a. The CACFP coordinator is ultimately responsible for the operation of the CACFP.
 - b. The owner/director is ultimately responsible for the operation of the CACFP.
 - c. The CACFP coordinator and the food service staff are ultimately responsible for the CACFP.
 - d. The food service staff is ultimately responsible for the operation of the CACFP.
- 3. In the event a center is placed in Serious Deficiency status and on the National Disqualified List (NDL):
 - a. The owner/director's name is always placed on the NDL whether they had anything to do with the operation of the CACFP or not. Depending upon the situation, other individual's names may also be placed on the NDL.
 - b. Only the names of those staff members who operated the CACFP are placed on the NDL.
 - c. Only the names of the Board President/Chair and the cook are placed on the NDL.
 - d. Only the name of the individual who signed the contract is placed on the NDL.
- 4. The director is ultimately responsible for the operation of the CACFP because of:
 - a. County Sanitation Department rules
 - b. State of Montana Child Care Licensing rules
 - c. Federal Regulations
 - d. A and C
 - e. B and C
- 5. In the CACFP, the director is ultimately responsible for the following:
 - a. Memorizing all of 7 CFR 226
 - b. Memorizing all of the foods on the creditable food list
 - c. How to perform all of the CACFP responsibilities
 - d. Assigning staff members to perform all of the CACFP responsibilities

6. Annual Director's Training should definitely be taken by:
 - a. Those staff members who perform the day to day responsibilities of the CACFP
 - b. The director
 - c. The food service staff
 - d. The CACFP coordinator
7. Federal programs require a different level of responsibility because:
 - a. The state will need to look at your federal tax forms.
 - b. The public will need to look at your federal tax forms.
 - c. The public demands assurances that their tax dollars are being used responsibly and appropriately
 - d. The state demands assurances that their tax dollars are being used responsibly and appropriately.
8. As the director/owner is the individual who signs the contract:
 - a. They are personally responsible for buying all of the food for the center with their personal funds.
 - b. It is a good idea for them to know what the contract says.
 - c. It is a good idea for them to make sure all employees understand all of the contract language.
 - d. They are required to perform all of the duties and requirements of the CACFP no matter how many employees the institution has.
9. If an incorrect claim is submitted, any reimbursement funds that were issued in error must be paid back by:
 - a. The staff member who actually submitted the claim.
 - b. The owner/director.
 - c. The food service staff.
 - d. The parents of the children who ate the meals.
10. Upon application to participate in the CACFP, a management plan must be submitted that includes the following:
 - a. The names of all the children currently enrolled in the center.
 - b. The names of all center staff.
 - c. The names of the director, board chair/president, person signing the contract, and owner.
 - d. The names of the parents of all the children currently enrolled in the center.

Module 1 Activity:

Look at your current methods for managing CACFP operations at your center. Explain how you currently manage things and what things you could do to improve your management of the CACFP